

REMARKS

In the Office Action dated August 11, 2008, Applicants were required to elect one of the following groups of invention:

Group I, claim(s) 1-5, drawn to table olives

Group II, claim 6, drawn to the use of lactobacilli and bifidobacteria to coat the pericarp of table olives; and

Group III, claim 7, drawn to a strain of Lactobacillus.

Applicants elect to prosecute the invention of Group I, claims 1-5 drawn to table olives, and reserve the right to file a divisional application directed to the non-elected subject matter. Additionally, the Examiner has required that Applicants elect one type of bacteria recited in claims 1-4. In response, Applicants elect the species of "lactobacilli." Claims 1-5 read on the elected lactobacilli.

Applicants wish to note that the claims have been limited to table olives characterized in that they contain "probiotic" lactobacilli and/or bifidobacteria adhering on the pericarp. The references cited by the Examiner neither disclose, nor suggest, that one could successfully coat table olives with probiotic bacteria and that such bacteria would adhere to the surface of the olives in an amount sufficient to exert a beneficial action of the gastro-intestinal tract.

Applicants believe that the present application is in condition for allowance, and respectfully request that the Office pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

The Office is authorized to charge any fees that may be necessary for consideration of this paper to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

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